



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 076333/0105

In re patent application of

Joel S. Greenberger

Filed: August 6, 1997

Serial No.: 08/907,041

Group Art Unit: 1632

Examiner: S. Chen

Title: PROTECTION FROM IONIZING IRRADIATION OR CHEMOTHERAPEUTIC  
DRUG DAMAGE BY *IN VIVO* GENE THERAPY

**AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER 37 CFR §1.111**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In reply to the Official Action dated October 8, 2002, applicant requests that the above-identified application be amended as follows and reconsidered in view of the following remarks. Applicant has enclosed with this amendment a Petition for Extension of Time to make this response timely.

**In the claims**

Please cancel claim 33 and insert the following amended version of claim 1 into the record.

1. (Amended) A method for protecting a subject against an agent that elicits production of a toxic species when said subject is exposed to said agent, wherein said toxic species is selected from the group consisting of a free radical, a superoxide anion, and a heavy metal cation, said method comprising the step of administering to said subject *in vivo* a pharmaceutical composition comprising

(A) a polynucleotide that encodes a protein that is transiently expressed in said subject, wherein said protein is capable of neutralizing or eliminating said toxic species; and

(B) a pharmaceutically acceptable vehicle for said polynucleotide wherein said administering is a local administration at the site to be protected from irradiation.